

IN RE: PETITION FOR SPECIAL EXCEPTION  
S/S Days Cove Rd., 5600 ft. E  
of c/I Pulaski Highway  
320 Days Cove Road  
11th Election District  
5th Councilmanic District  
Legal Owner: Baltimore County  
Contract Purchaser: Ram Mobile  
Data USA Ltd. Partnership  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE No. 93-428-X

MEMORANDUM OPINION

This matter comes before the Zoning Commissioner as a Petition for Special Exception for the property located at 320 Days Cove Road in the White Marsh section of Baltimore County. The Petition is filed by the property owner, Baltimore County, a body politic, and its lessee, Ram Mobile Data USA Ltd. Partnership (hereinafter "Ram Mobile"). The Petition seeks approval for a wireless transmitting and receiving facility on the subject site, to be operated by a private corporation, Ram Mobile.

Appearing at the public hearing was Michael A. Stripeikis, on behalf of Ram Mobile. Also appearing at the public hearing was Thomas A. Kieffer, a Registered Landscape Architect in the State of Maryland. Mr. Kieffer is employed with Ben Dyer Associates, Inc., the engineering firm which prepared the site plan. This plan has been accepted into the record as Petitioner's Exhibit No. 1. The Petitioners were represented by G. Scott Barhight, Esquire. There were no Protestants present.

Testimony and evidence presented was that the subject site is located near the intersection of Days Cove Road and Allender Road in White Marsh. The actual area of the proposed special exception is .6828 acres. Presently, the site is improved with a 290 ft. high communications tower, an equipment building serving same, an access road, and fencing. The tower was constructed by Baltimore County as part of the County's emergency communication system. The tower is used to foster communications in the County's emergency network and to meet the needs of the Police and Fire Departments. The site is zoned R.C.2.

The co-Petitioner, Ram Mobile, has contracted with Baltimore County to lease a small area of the site and tower. Ram Mobile specializes in cellular communications. Although Ram Mobile is not involved in the cellular telephone industry, similar technology is employed by the company to provide transmission of computer data and similar information. Ram Mobile proposes to install two 12 ft. long antennas on the top of the existing tower. These antennas will serve as part of Ram Mobile's cellular communication network throughout the County and State of Maryland. Further, a proposed 10 x 8 ft. equipment building will be constructed at the base of the tower. Ram Mobile's communication line will run from the building up through the interior of the tower and terminate at the antennas on the top thereof. As is the case with many of these communication towers, the facility will be unmanned. However, routine maintenance will be occasionally performed by a Ram Mobile employee. The private communications received and relayed by the antenna from Ram Mobile's customers will not interfere with the public communications network of Baltimore County. That is, the communication frequencies are compatible with one another. Further, clearly, Ram Mobile's use is not for any public purpose or in furtherance of any governmental function. Ram Mobile is a private corporation in business to make a profit for its stockholders by providing cellular communication services to the public.

On the same date that a public hearing was held on the proposed Petition for Special Exception, in this case, the Petitioners came before this

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office on two companion cases. In each instance, Ram Mobile has filed a Petition for Special Exception seeking approval of a wireless transmitting and receiving facility. Further, in each instance, Ram Mobile was proposing to place its antennas on an existing tower owned and operated by Baltimore County. Further, the related improvements, including the proposed 10 x 8 ft. service building, were the same in each case.

In case No. 93-427-X, I comprehensively addressed the issue relating to Baltimore County's immunity from its own zoning regulations and the nature and scope of the proposed special exception. I concluded that only Ram Mobile's improvements were the subject of the Petition for Special Exception. Further, I determined that Ram Mobile's application was exempt from the requirement set forth in Section 502.7.C.1 through 5 of the Baltimore County Zoning Regulations (B.C.Z.R.). Further, I noted that the Petitioner had complied with the requirements of Section 502.7.C.6 through 9 of the B.C.Z.R.; however, had failed to submit an environmental impact statement as required by Section 502.7.C.10. Owing to the similarity of the facts presented in the instant case with those presented in case No. 93-427-X, I am persuaded that my reasoning therein should be applied to this case. Thus, as required in case No. 93-427-X, I shall require the Petitioner to submit a written environmental impact statement within thirty (30) days. My reasons for requiring the submission of said statement are fully set forth in the aforementioned Memorandum Opinion. That Opinion, as applicable to the facts in this case, is incorporated herein as if fully restated.

Further, it should be noted that based upon the uncontradicted evidence and testimony presented, I am persuaded that the Petitioner has met its burden and that the special exception should be granted. Thus, the

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said special exception will be granted following the receipt of the required environmental impact statement assuming, of course, that said statement does not state that Ram Mobile's proposed improvements will be detrimental to the health, safety or general welfare of the locale.

I shall hold this matter sub curia for a period of 30 days. Within that time, a written environmental impact statement shall be prepared and submitted. Thereafter, a decision shall be rendered on the Petition in accordance with the full record of this case.

DATE: 7/24/93

LES:mmn

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

-4-

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

July 29, 1993

(410) 887-4386

G. Scott Barhight, Esquire  
Whiteford, Taylor, Preston, etc.  
500 Court Towers  
210 W. Pennsylvania Avenue  
Towson, Maryland 21204

RE: Petition for Special Exception  
Case No. 93-428-X  
Property: 320 Days Cove Road  
Legal Owner: Baltimore County  
Contract Purchaser: Ram Mobile Data USA Ltd. Partnership

Dear Mr. Barhight:

Enclosed please find the Memorandum Opinion rendered in the above captioned case. The Petition for Special Exception has been held in abeyance for the reasons set forth in the enclosed Opinion. Kindly forward the requested information as required.

Please do not hesitate to contact me should you have any questions in this regard.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner

LES:mmn  
encl.  
cc: Thomas A. Kieffer  
cc: Mr. Michael A. Stripeiki

IN RE: PETITION FOR SPECIAL EXCEPTION  
S/S Days Cove Rd., 5600 ft. E  
of c/I Pulaski Highway  
320 Days Cove Road  
11th Election District  
5th Councilmanic District  
Legal Owner: Baltimore County  
Contract Purchaser: Ram Mobile  
Data USA Ltd. Partnership  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE No. 93-428-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception for the property located at 320 Days Cove Road in the White Marsh section of Baltimore County. The Petition is filed by the property owner, Baltimore County, a body politic, and its lessee, Ram Mobile Data USA Ltd. Partnership (hereinafter "Ram Mobile"). The Petition seeks approval for a wireless transmitting and receiving facility on the subject site, to be operated by a private corporation, Ram Mobile.

This matter came in for a public hearing at which the Petitioner was represented by G. Scott Barhight, Esquire. As a result of the testimony and evidence presented at that hearing, a Memorandum Opinion was issued by this office. That Memorandum Opinion tentatively granted the Petition for Special Exception, but required the Petitioner to submit a written Environmental Impact Statement. An Environmental Impact Statement has been received relative to this project. The Statement, which has been included within the case file as a portion of the record of this case, was prepared by EA Engineering, Science, and Technology.

I have reviewed carefully the Environmental Impact Statement, as well as providing a copy of same to Mr. Steve Reeske of the Department of Environmental Protection and Resource Management for Baltimore County. Based upon these reviews, I am convinced that the proposed tower addition will

ORDER RECEIVED FOR FILING  
Date 8/1/93  
By [Signature]

not be detrimental to the health, safety or general welfare of the locale. Thus, the Petition for Special Exception will be and is hereby granted for the reasons set forth in the aforesaid Memorandum Opinion. That opinion is incorporated by reference herein.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 10<sup>th</sup> day of September, 1993 that, pursuant to the Petition for Special Exception, approval for a wireless transmitting and receiving facility on the above subject site, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein.

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for return, said property to its original condition.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING  
Date 8/1/93  
By [Signature]

-2-

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

September 9, 1993

G. Scott Barhight, Esquire  
Whiteford, Taylor, Preston, etc.  
500 Court Towers  
210 W. Pennsylvania Avenue  
Towson, Maryland 21204

RE: Petition for Special Exception  
Case No. 93-428-X  
Property: 320 Days Cove Road  
Legal Owner: Baltimore County  
Contract Purchaser: Ram Mobile Data USA Ltd. Partnership

Dear Mr. Barhight:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Exception has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3791.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner

LES:mmn  
att.  
cc: Thomas A. Kieffer  
cc: Mr. Michael A. Stripeiki







Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

6-17-93

Ms. Helene Kehring  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No. 436 (MJK)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*  
John Contestabile, Chief  
Engineering Access Permits  
Division

My telephone number is \_\_\_\_\_

Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: June 16, 1993

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):  
Item Nos. 433, 434, 436 and 437.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey Long*

Division Chief: *Pat Keller*

PK/JL:lw

433.ZAC/ZAC1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee

DATE: June 16, 1993

FROM: Jerry L. Pfeifer, Captain  
Fire Department

SUBJECT: June 24, 1993 Meeting

- #433 - No comments
- #434 - No comments
- #435 - No comments
- #436 - No comments
- #437 - No comments
- #438 - Building shall be built in compliance with the 1991 Life Safety Code and the Baltimore County Fire Prevention Code.
- #439 - Building shall comply with the applicable sections of the 1991 Life Safety Code and the Baltimore County Fire Prevention Code.
- #440 - No comments

RECEIVED  
JUN 17 1993

ZADM

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER  
S/S Days Cove Rd., 5600' E of  
C/L Pulaski Highway (320 Days  
Cove Rd.), 11th Election Dist.,  
5th Councilmanic District : Case No. 93-428-X

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*  
Peter Max Zimmerman  
People's Counsel for Baltimore County

*Carole S. Demilio*  
Carole S. Demilio  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-2188

I HEREBY CERTIFY that on this 22nd day of June, 1993,  
a copy of the foregoing Entry of Appearance was mailed to H. Emslie Parks,  
County Attorney, Courthouse, 400 Washington Ave., Towson, MD 21204; and  
Jonathan Swiss, Esquire, 10 Woodbridge Center Drive, Woodbridge, N.J.  
07645.

*Peter Max Zimmerman*  
Peter Max Zimmerman

8100 PROFESSIONAL PLACE  
POST OFFICE BOX 1450  
LANDOVER, MARYLAND 20785-0450

TELEPHONE 1-301-459-9200  
FAX# 1-301-459-4361

BEN DYER ASSOCIATES, INC.  
Engineers / Surveyors / Planners

TRANSMITTAL

TO: Office of Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Room 109  
Towson, MD 21204

DATE : June 1, 1993  
JOB NO. : 93070  
JOB NAME : RAM AT JOPPATOWNE  
WORK ORDER : 42009

No. Copies	Drawing No.	Description
3 originals	-	Petition for Special Exception Forms - signed and filled out
12 prints	47.001-Y	Plan to Accompany Zoning Hearing
3 photocopies	-	Description (sealed)
1 photocopy	NS K 9	Official Zoning Map (1" = 200')
1 check	-	\$300.00 Filing Fee

Reason for Sending: Application for Special Exception review.

Sent Via: Mail \_\_\_\_\_ Your Pick Up \_\_\_\_\_ Messenger \_\_\_\_\_ Other Delivery \_\_\_\_\_

BEN DYER ASSOCIATES, INC.

BY: *Thomas A. Kieffer*  
Thomas A. Kieffer, J.L.A.  
Associate

cc: Mike Stripek w/enclosure

PH: TAK  
rls

#436

LAW OFFICES  
WHITEFORD, TAYLOR & PRESTON

SUITE 1400  
8700 SAINT PAUL STREET  
BALTIMORE, MARYLAND 21202  
TELEPHONE 410-341-8700  
FAX 410-341-7082

500 COURT TOWERS  
210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-4515  
410-832-2000  
FAX 410-832-1015

SUITE 400  
488 17TH STREET, NW  
WASHINGTON, D.C. 20006-1819  
TELEPHONE 202-494-6800  
FAX 202-331-0373

1317 KING STREET  
ALEXANDRIA, VIRGINIA 22314-2928  
TELEPHONE 703-836-5741  
FAX 703-836-0245

G. SCOTT BARRHIGHT  
DIRECT NUMBER  
410-831-1000

August 27, 1993

HAND DELIVERED

Lawrence E. Schmidt, Esquire  
Zoning Commissioner  
Office of Planning and Zoning  
Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

RE: Petition for Special Exception  
Case No. 93-428-X  
Property: 320 Days Cove Road  
Legal Owner: Baltimore County  
Contract Purchaser: Ram Mobile Data USA Ltd. Partnership

Dear Mr. Schmidt:

Enclosed is an Environmental Impact Statement for the proposed Ram Mobile Data facility at the above location consistent with your order dated July 29, 1993. If I can be of any additional assistance, please feel free to contact me.

Thank you for your kind attention to this matter.

Sincerely,

*G. Scott Barhight*  
G. Scott Barhight

GSB:aes

Enclosure

cc: Thomas A. Kieffer  
Mr. Michael A. Stripek  
Jonathan Swiss, Esquire

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME  
*Thomas A. Kieffer*  
*Michael A. Stripek*

ADDRESS  
*46 Ben Dyer Associates, Inc.*  
*1100 Professional Pl. Landover, MD 20785*  
*273 Lakeside Sh. Lynn, UT 07071*

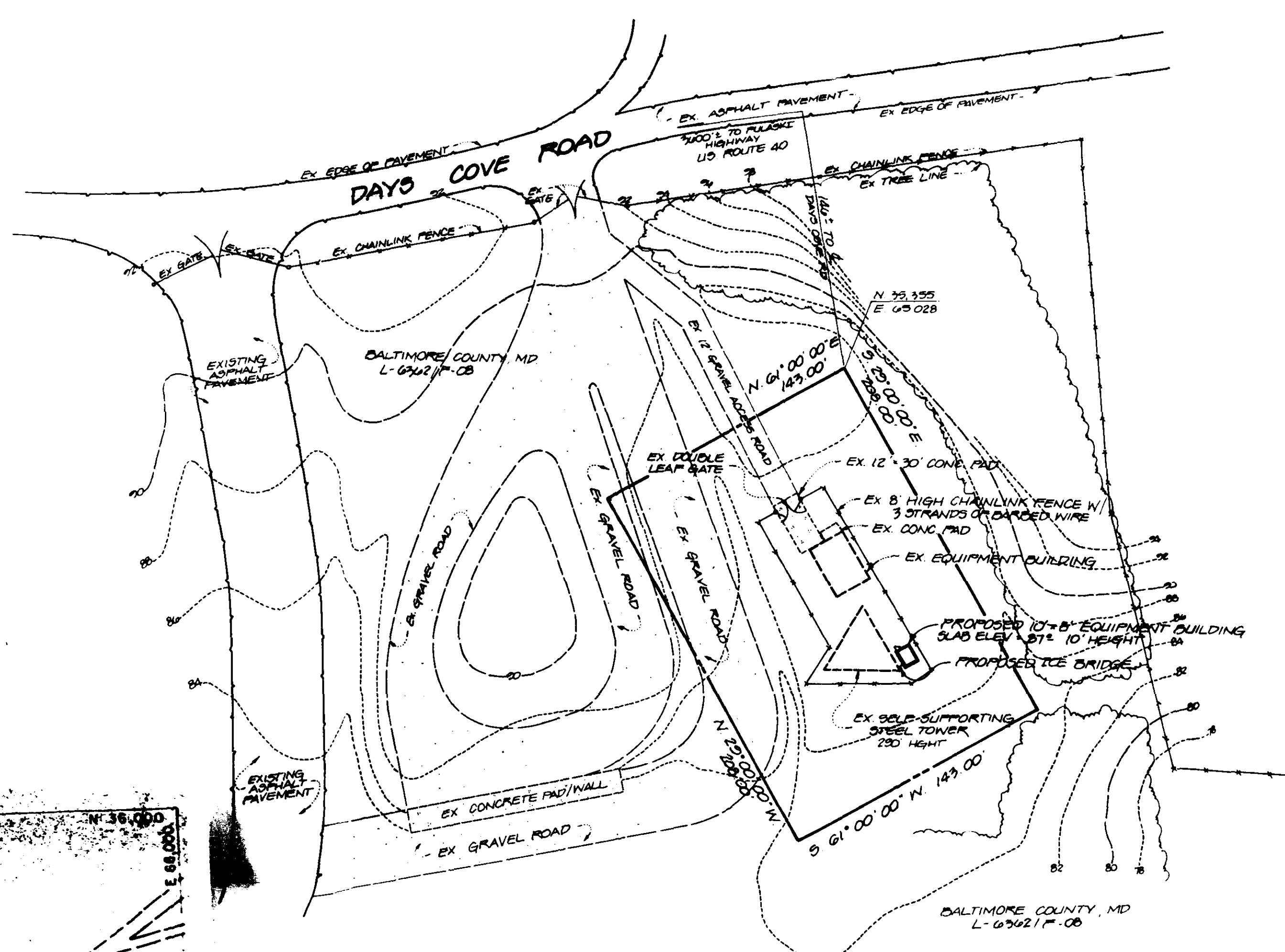
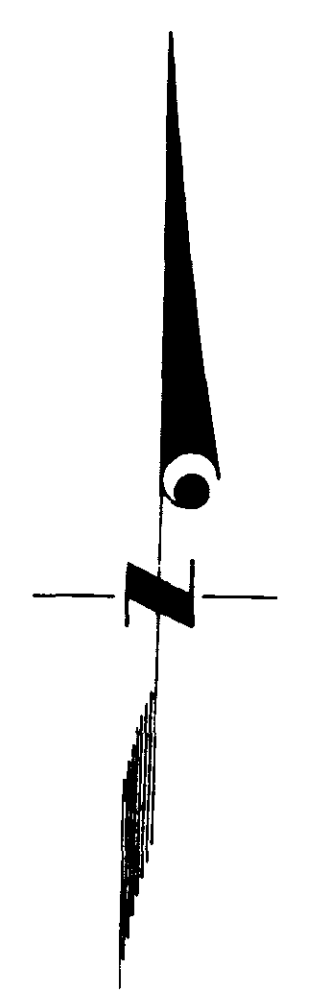


ENVIRONMENTAL IMPACT STATEMENT  
FOR RAM MOBILE DATA'S PROPOSED  
MOBILE DATA FACILITY AT DAYS COVE JOPPATOWNE  
BALTIMORE COUNTY, MARYLAND

Prepared for:  
**RAM MOBILE DATA**  
28 Woodbridge Center Drive, Suite 100  
Woodbridge, New Jersey 07095

Prepared by:  
**EA Engineering, Science, and Technology**  
20 Lawrence Drive  
Suite 200  
Lanham, Maryland 20695

EA-Project 1000000



AREA OF SPECIAL EXCEPTION - 29,744 sq. ft.  
EXISTING ZONE - R.C.-2

**SITE PLAN**  
SCALE: 1" = 50'

### NOTES

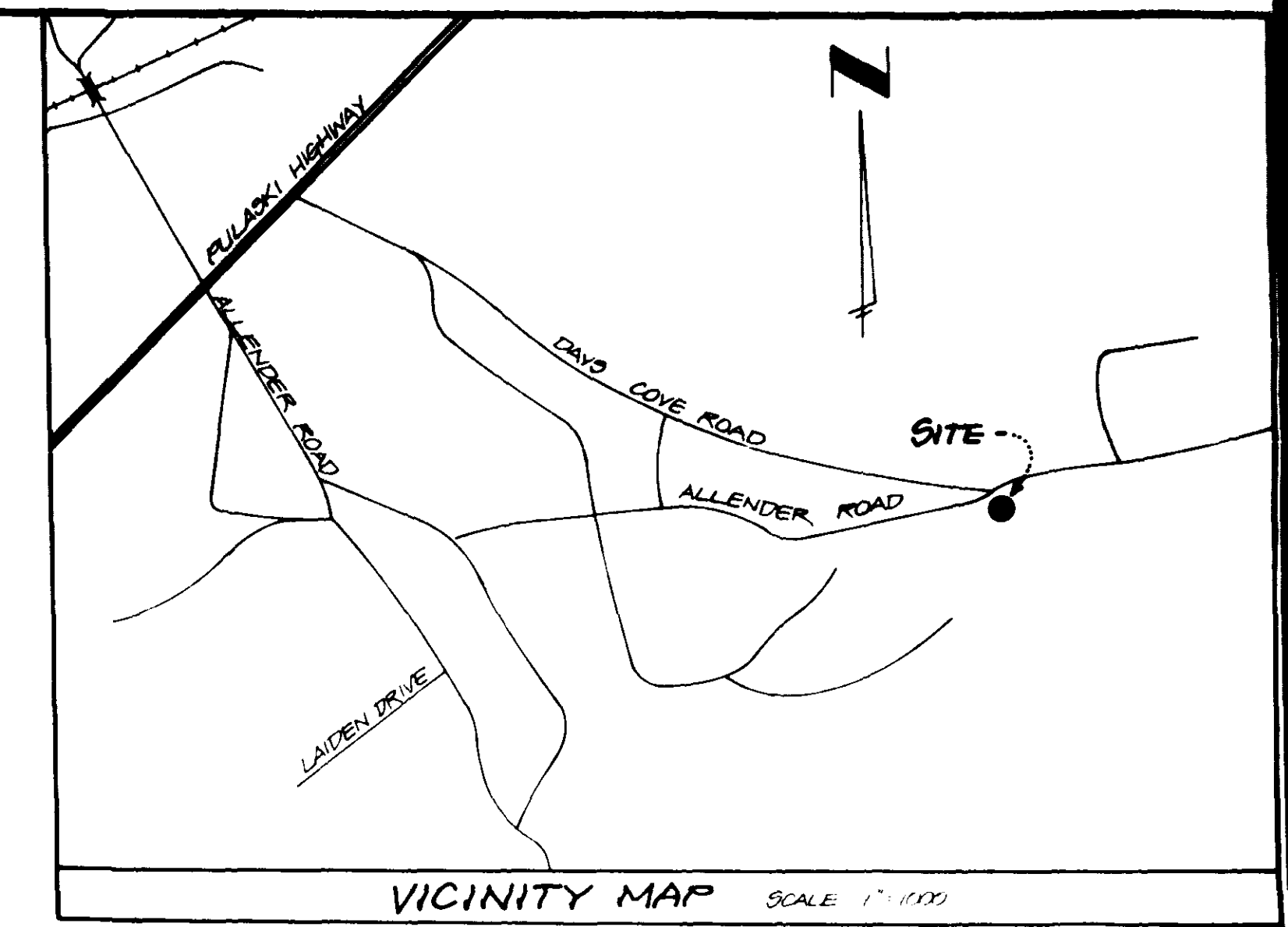
1. This zoning application is a Petition for Special Exception for a Wireless Transmitting and Receiving Facility as provided for by Section 1A01.2 - Use Regulations, and Section 502.7 - Wireless Transmitting and Receiving Facilities.
2. The subject property is zoned R.C.-2 and appears on Zoning Map NEK9 and Tax Map 73.
3. Area of special exception = 29,744 sq. ft. (0.6828 ac.).
4. The proposed development program is for the attachment of <sup>two 15' antennas</sup> to the top of an existing 290' high tower (total height = 300') and the addition of an 8' x 10' x 10' high equipment building and cable connection near the base of the existing tower, all to be within the existing fenced compound, as shown on this plan.
5. Election District 11; County Council District 5.
6. This site does not lie within the Chesapeake Bay critical area.
7. Research indicates that the special exception area is not subject to any previous commercial permits, zoning hearing decisions, nor C.R.G. approvals.
8. The proposed use, an unmanned communications facility, requires no off-street parking spaces be provided.
9. The special use requirements of this use are contained in Section 502.7 and are addressed as follows:
  - A. This site is not within one and one-half miles of an existing district on the Baltimore County Final Historic Landmarks List, nor any of the named historical districts.
  - B. This facility will be mounted to an existing tower that is 290' high.
  - C. 1. through 5. do not apply because the proposed facility would be mounted on an existing structure over 50' in height.
  - C. 6. through 9. The applicant agrees with the following conditions:

Environmental protection agency standards and guidelines relating to radiation emissions shall be met at all times;

When the use is terminated, the structure shall be removed;

Every five years, or sooner in the event of substantial damage, a certification by a professional engineer registered in Maryland shall be filed with the Department of Permits and Licenses indicating that the aforementioned structure meets all safety requirements. Any upgrading or maintenance required to comply with any changes in the safety requirements, or to maintain the safety thereof, shall be performed prior to the filing of such certification; and

No white strobe lights will be used.
  - C. 10. and 11. are not applicable because the tower exists already; i.e. this application is not for a tower.
10. The nonresidential principal building setbacks are exceeded by the proposed limits of the special exception area related to the proposed 8' x 10' equipment building.
11. Site conditions represented taken from Remote Radio Shelter-Eastern Sanitary Landfill: Site Plan & Sediment Control Plan prepared by STV Engineers Planners and provided by Baltimore County Government (Dwg. No. C-1, latest revision dated 6/21/88); not a field survey.



**VICINITY MAP** SCALE: 1" = 100'

**PETITIONER'S  
EXHIBIT No. 1**

PLAN TO ACCOMPANY ZONING HEARING  
FOR  
**RAM MOBILE DATA FACILITY  
AT JOFFATOWNE**  
(A.K.A. EASTERN SANITARY LANDFILL / ALLENDER ROAD)  
920 DAYS COVE ROAD  
BALTIMORE COUNTY, MARYLAND

OWNER: BALTIMORE COUNTY  
CB-9-187  
COURT HOUSE  
BALTIMORE, MD 21204



5-28-93

DATE		DESCRIPTION		BY	
DATE		REVISIONS		BY	
DATE		REVISIONS		BY	
DATE		REVISIONS		BY	
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DATE		REVISIONS		BY	

93-428-X

**ZONING MAP NE 9 K**

SCALE: 1" = 200'

#436